



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION
Case #: MSC - 204511

PRELIMINARY RECITALS

Pursuant to a petition filed on February 17, 2022, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Medicaid Services regarding Medical Assistance (MA), a hearing was held on March 15, 2022, by telephone.

The issue for determination is whether SeniorCare provides coverage of prescription drugs administered in a physician's office.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, WI 53703

By: written submission of [REDACTED]
Division of Medicaid Services
PO Box 309
Madison, WI 53701-0309

ADMINISTRATIVE LAW JUDGE:

Jason M. Grace
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of St. Croix County. She was a SeniorCare member at all relevant times involved here.

2. On February 17, 2022, petitioner submitted an appeal to the Division of Hearings and Appeals. She was seeking SeniorCare to cover the \$108.80 cost for prescription drugs administered during a physician's appointment.

DISCUSSION

"SeniorCare is a prescription drug assistance program for Wisconsin residents who are at least 65 years old and meet the program's eligibility criteria..." Medicaid Eligibility Handbook (MEH) §33.1; See also Wis. Stats. §49.688 and Wis. Admin. Code DHS §109.01.

In this case, petitioner was seeking SeniorCare to cover the cost of prescription medications administered during a physician's appointment. The problem is that SeniorCare does not provide coverage of medications when *administered* in a physician's office. See, MEH, 33.16.1. As such, I am not able to provide petitioner the relief she seeks.

I would note that per the submitted DMS consultant's letter, the consultant spoke to a representative of the medical facility that levied the charge at issue here. Exhibit 1. The consultant further indicated in that letter that the medical facility acknowledged that petitioner was incorrectly billed and that she would be reimbursed the portion already paid. Based on that information, it is suggested that petitioner follow up with the medical facility.

CONCLUSIONS OF LAW

SeniorCare does not provides coverage for prescription drugs administered in a physician's office.

THEREFORE, it is

ORDERED

That petitioner's appeal is dismissed.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 4822 Madison Yards Way, 5th Floor North, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

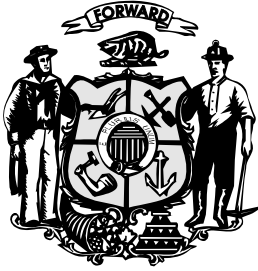
The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 17th day of March, 2022



\s _____

Jason M. Grace
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
5th Floor North
4822 Madison Yards Way
Madison, WI 53705-5400

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The preceding decision was sent to the following parties on March 17, 2022.

Division of Medicaid Services
Senior Care